



Economic Impact Analysis Virginia Department of Planning and Budget

8 VAC 20-720 – Regulations Governing Local School Boards and School Divisions
Department of Education
July 10, 2009

Summary of the Proposed Amendments to Regulation

The Board of Education (Board) proposes to consolidate thirteen current short chapters (regulations) into one chapter, Regulations Governing Local School Boards and School Divisions. The thirteen current chapters that would be repealed as part of this action are: 1) Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia, 2) Regulations Governing School Community Programs, 3) Classification of Expenditures, 4) Regulations Governing School Activity Funds, 5) Regulations Governing Testing Sight and Hearing of Pupils, 6) Rules Governing Instruction Concerning Drugs and Substance Abuse, 7) Regulations Governing Physical and Health Education, 8) Rules Governing Division Superintendent of Schools, 9) Rules Governing Allowable Credit for Teaching Experience, 10) Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards, 11) Regulations Governing Sick Leave Plan for Teachers, 12) Regulations Governing School Boards Local, and 13) Regulations for the Protection of Students as Participants in Human Research. For the most part requirements in the proposed Regulations Governing Local School Boards and School Divisions are consistent with the requirements in the current thirteen chapters. In the process of consolidation a small number of changes are made largely for clarification.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Most of the proposed regulations simply reflect current language in the thirteen chapters to be repealed and changes in the Code of Virginia (Code) since the thirteen chapters were last revised. Since when there are conflicts between the Code and regulation the Code prevails, the new language to reflect the Code will have no impact on requirements. Changing regulatory language to reflect the current Code is beneficial in that it reduces the likelihood of the public becoming misled by out-of-date regulations. The Board also proposes to add and amend definitions for clarity. Increased clarity will of course be beneficial for the public.

The proposed new regulations explicitly state that “In order to be appointed a division superintendent, applicants must hold an active Virginia division superintendent’s license ...” Current regulations do not explicitly state that school division superintendents must be licensed in order to hold the position of division superintendent; nor is this stated in the Code of Virginia. Licensure Regulations for School Personnel do delineate the requirements in order to obtain the division superintendent license, but do not explicitly state that school division superintendents must be licensed in order to hold the position of division superintendent. According to the Department of Education, the regulations have been interpreted to require licensure for many years and all division superintendents in Virginia have been licensed for many years. Thus, the proposal to explicitly state the licensure requirement will not likely have a large impact, but is a significant clarification that will help public understanding.

Businesses and Entities Affected

The proposed amendments affect the 132 school divisions in the Commonwealth.

Localities Particularly Affected

The proposed amendments affect all localities and do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed amendments are unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments are unlikely to significantly affect small businesses.

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.